

Appl. No. 10/595,643  
Amdt. Dated April 2, 2009  
Reply to Office action of December 2, 2008  
Attorney Docket No. P18985-US1  
EUS/GJ/P/09-1067

**Amendments to the Drawings:**

The attached sheets of drawings include changes to Figures 2 and 6; typographical errors have been corrected to change "1<sup>st</sup> Outside Code" to "1<sup>st</sup> Outer Code" in block 210 of Figure 2, and to change "Perform Outer Coding" to "Perform Outer Decoding" in block 610 of Figure 6.

Attachment: Submittal of Drawing Replacement Sheets

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

The Applicants have amended claims 13, 14, 16 and 17 to more particularly point out and distinctly claim the subject matter that Applicants regards as their invention; no new subject matter has been added. In addition, in order to focus and expedite prosecution, claims 15 and 18-21 have been cancelled, without prejudice or disclaimer. Accordingly, claims 13, 14, 16 and 17 remain pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Examiner Objections – Drawings**

The Examiner objected to Figures 2, 3, 6 and 7 of the drawings. The Applicants submit herewith drawing replacement sheets, wherein typographical errors have been corrected in Figures 2 and 6 and the shading in Figures 3 and 7 has been lightened such that the text contents can be more easily read.

### **3.) Examiner Objections – Specification**

The Examiner objected to the specification for certain informalities. The Applicants have corrected the items identified by the Examiner, except the requested change of "decoding" to "coding" at page 13, line 27; instead, the Applicants' have amended Figure 6, to which that portion of the specification relates, to change "coding" to decoding in block 610 thereof.

### **4.) Examiner Objections - Claims**

The Examiner objected to claims 14 and 17 for certain informalities. The Applicants have amended those claims, in part, based on the Examiner's stated objections. The amendments, however, do not incorporate the Examiner's changes as suggested in paragraphs 7.a. and 7.b., but they do match the subject matter disclosed in the specification. The Examiner's consideration of the amendments is respectfully requested.

### 5.) Claim Rejections – 35 U.S.C. §102(b)

The Examiner rejected claims 13-21 as being anticipated by Grilli, et al. (U.S. Patent Publication No. 2002/0093922). The Applicants have cancelled claims 15 and 18-21 and, therefore, the rejections relating thereto are now moot. The Applicants traverse the rejection of claims 13, 14, 16 and 17.

Claim 13 recites:

13. A method in a communication device for receiving Multimedia Broadcast and Multicast System (MBMS) data, comprising the steps of:
  - receiving MBMS data on a first frequency;
  - switching to a second frequency to perform a measurement,  
said switching performed autonomously by said communication device;
  - performing a measurement;
  - switching back to the first frequency to continue to receive MBMS data; and,
  - performing outer decoding to recover MBMS data not received during the performing the measurement step. (emphasis added)

The Applicants' invention is directed to a specific problem encountered by communication devices when receiving Multimedia Broadcast and Multicast System (MBMS) data. The problem, as described in the Background portion of the specification, relates to the fact that communication devices receiving MBMS data share a common downlink and, thus, it is not possible for the network to consider individually signaled measurement occasions for each device. To overcome this problem, the Applicants' invention discloses a communication device that autonomously schedules a temporary switch to a second frequency to perform a performance measurement, followed by the performance of outer decoding to recover MBMS data not received. The system and method taught by Grilli, however, is not directed to the receipt of MBMS data and, therefore, does not address that problem.

Grilli does discuss "multimedia applications," but the transmission of multimedia data does not imply the use of Multimedia Broadcast and Multicast System (MBMS),

which utilizes point-to-multipoint transmissions. It is because of the point-to-multipoint nature of such transmissions that gives rise to the problem solved by the Applicants' invention. The teachings of Grilli, in contrast, only relate to point-to-point transmissions. In such point-to-point transmissions, a network entity commands a communication device to perform handover measurements, which Grilli discusses at paragraph [0041]: "the base station 106a transmits a frequency change command to the mobile station 102." In contrast, the Applicants' invention is characterized by a communication device that autonomously switches, temporarily, to a second frequency to perform a performance measurement, followed by the performance of a process to recover MBMS data not received during the period that the device was switched to the second frequency.

The benefit of Applicants' invention is that it is much simpler for the network to simply continue MBMS data transmission (point-to-multipoint), ignoring the fact that receiving devices will sometimes be autonomously tuned to another frequency to make measurements. Thus, there is no need to control the switching of the communication device to and from a second frequency, as taught by Grilli. The performance of outer decoding to recover MBMS data not received during the performing the measurement step also eliminates the need to perform any compensations at the network transmitter side for lost energy during such measurement periods. Thus, whereas Grilli fails to disclose a communication device for MBMS data reception, which autonomously switches to a second frequency to perform performance measurements, followed by the performance of outer decoding to recover MBMS data not received during the performing the measurement step, Grilli fails to anticipate claim 13. Whereas independent claim 16 recites analogous limitations, that claim is also not anticipated. Furthermore, whereas claims 14 and 17 are dependent from claims 13 and 16, respectively, and include the limitations thereof, those claims are also not anticipated.

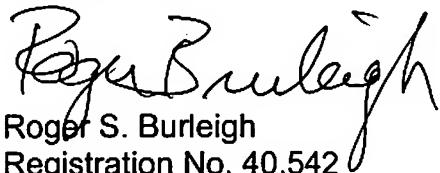
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**CONCLUSION**

In view of the foregoing amendments and remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 13, 14, 16 and 17.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

  
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